

Minutes of the Hurricane City Council meeting held on March 19, 2015 at 5 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah.

Council members present: Mayor John Bramall, Council members Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson.

Staff members present: City Manager Clark Fawcett, City Attorney Fay Reber, Assistant City Manager Kaden DeMille, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, City Engineer Arthur LeBaron, Fire Chief Tom Kuhlmann, Planning Director Toni Foran, and Police Chief Lynn Excell.

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports -

Tom Kuhlmann said the Department is following through with fire inspection of tire storage and paint booths. Kevin Tervort said there is a lot of trouble coming this way by getting back into the Fire District. He stated he fears just about the time the District gets planted and the roots start to grow the District will have to raise the mill levy. Tom Kuhlmann said the District will need to build the infrastructure but will have to have money to add personnel. They were running 2300 emergency responses last year and only have six full time staff. They need facilities, especially at the industrial park, but can't build a facility if they can't man that facility. He commented he feels the system is at the point where the volume and type of calls is creating a fine line between public safety and public risk but cost must be considered. He stated, "The recent fire should have had 30 people on it but they only had 3 for the first 30 minutes." He said both per call volunteers and full time responders are getting burned out. Ethelyn Humphries commented if the City wants to maintain this level of service they will need to decide how they are going to fund it. Pam Humphries said the City may also have to raise a mill levy.

Kevin Tervort stated the volunteer pool is getting smaller and smaller. He mentioned the problem in Rockville and Springdale with a small population trying to supply firefighters and emergency workers for the visitor population. Hotels are paying a property levy, plus a stand by fee, plus the room tax. Hurricane City is running out of volunteers.

Lynn Excell reported on the past few busy weeks. He stated the City has some of the most dedicated, hard- working police officers he has ever seen in his life. Last Wednesday a robbery was tied to a robbery last year due to the exacting work done by the officers in Hurricane. Graffiti damage was done by teenagers from Enterprise and LaVerkin last week. The Department has done presentations this week dealing with robbery response in local businesses. The chief reported many partner agencies and businesses with video from all over Southern Utah helped with the recent investigations. The Department used their police dog on the pharmacy robbery and it appears when the dog was deployed the suspect stopped immediately. They are using the dog about four times a week. Chief Excell reminded the Council about ICS training next Thursday.

Fay Reber reported the agreement on Grandpa's Pond has still not been signed by the Water District. Barbara Hjelle was going to draft an addendum but she had not so Fay drafted the addendum and delivered it to them.

Dave Imlay explained the solar power and net metering concerns, stating the City should not be paying more for residential generated solar power than the city's wholesale cost. The Power Department is thinking of a contract with solar power providers to buy the power for a set price at a set number of years. Net meter users are using the power system as a battery for their power systems because they do not generate during peak power use. Dave stated it costs a lot to provide transmission, distribution, and metering systems and the system should not pay a premium to people who use less of the product. The result is the Power Department is subsidizing one class of customer at a higher cost for other customers.

He has asked people filing to install solar power to sign an acknowledgement that the net metering policy may change in the future. He said this issue is not unique to Hurricane Power and is being faced by every power company. Dave said the Power Department must cover payments on generators that are used only three months a year and other bonds.

Mike Vercimak reported Tractor Supply will start stocking shelves next week and plan to open April 11th. The Airport Board is working with the consultant on fencing and the pavement preservation project will get underway soon.

The Streets Department will be doing some grading on the triangle park site for the Lions Club. They are preparing the roads for slurry seal project.

The Water Department is going to make the tie between Marla at Elim Valley and Diamond Ranch Academy to create a connection between the WCWCD line and the Hurricane City line at that side of town.

Mr. Vercimak explained the cattle guard which was supposed to be installed in place of the gate to the Sand Mountain access adjacent to the Sand Hollow water tanks. He said there is an agreement to work together to create emergency access out of fairgrounds and the City will supply rotomill and culvert to the project.

Arthur LeBaron explained his \$92,000 cost estimate for an asphalt path on 400 South from 700 West to 1150 West. Clark said there is no money available right now for this project. Darin Thomas said the City should be looking at a plan and the budget, not just putting it in because someone asked.

Arthur stated the City crews can do a lot of work but it has to be scheduled and they are busy. Road base cost could be cut in half by using the city's road base. The City cannot pave a path with its own equipment. Paving cost is about \$40,000 plus the cost to the departments to do the work. The Safe Routes to Schools grants have not been funded so that money is not available. State Parks trail money was used on the trail on 600 North and there is money. Arthur said he will pursue a grant.

The asphalt path would be a commitment to change the design for 400 South.

Mike commented on the "real cost". He reminded the Council the Streets Department pays for tires, roads, gas, and personnel. Recent projects outside their normal responsibilities have included the triangle park, the trailhead at Confluence Park, and the demolition of the building the City just purchased. Maintenance falls by the wayside when the special projects are the top priority. He recommended before the City starts throwing money at a path, the City should do something about the bridge over Gould's Wash at 400 South and 700 West.

Arthur reported on the drainage project at the Car Barn. He said he recently learned UDOT is planning to reconstruct SR-9 from 300 West to 700 West. This is planned for 2016. The City will need to meet with them and coordinate.

Mayor Bramall called for a break at 5:55 p.m.

He called the meeting back to order at 6:05 p.m. He welcomed everyone present.

Dave Imlay led the Pledge of Allegiance and Kevin Tervort offered a prayer.

Approval of minutes 1/8/2015 – Pam motioned to approve the minutes of January 8, 2015, Ethelyn seconded. Motion unanimously approved.

OLD BUSINESS

Discussion and possible decision regarding installation of sidewalk on 400 S from 1150 W to 700 W-

Harmony Vanderhorst stated she did some research on a path or sidewalk. The Council explained to her

the estimated cost for an 8' asphalt path is about \$92,000. This is not in the budget for this fiscal year. Budget submittals for the 2015-16 fiscal year are being reviewed right now. Darin Thomas explained the item would go into a proposed budget. If it is kept in the budget and not cut it might be possible next year. Clark Fawcett explained the preliminary budget contains everyone's requests but everything cannot be funded. He explained the budget process. Mrs. Vanderhorst was invited to come to the Council's budget meeting. Ethelyn Humphries asked Harmony about a proposed gravel trail if the budget cannot accommodate an asphalt trail. She asked about the Utah recreational trails program. Arthur stated he has talked to the State about this program. Darin Larson said the biggest expense for this project is the pavement and doing gravel will cut the cost in half. A trails project like this means the road will not be improved for the next 10 years. Council members agreed they would add this request to the proposed budget. They confirmed that if Mrs. Vanderhorst can find local matching money or local labor or contractors it would help change the cost.

Consideration and possible approval of a preliminary plat for Parkside Subdivision at Grandpa's pond-

Mike Madsen and his engineer, Karl Rasmussen, explained they are asking for preliminary plat approval tonight. It is their intent to move forward with Phase 1 at the same time as Grandpa's Pond Park. Kevin Tervort stated he does not think the archeology item is a credible item. Mr. Madsen said in the mid 1990's the archeology site in question was considered when a UDOT pit was being approved for Interstate Rock gravel pit property. He said outlines of walls on the site are visible but he believes everything of value was removed. Darin Larson asked where the applicants are showing a trail. Mike Madsen said they have looked at both possible trail alignments. The trail alignment they prefer is located on an existing easement. The other alignment would take out a couple of lots and the trail would not be safe on the edge of the sheer cliff. Mr. Madsen stated he believes the location of the cliff top trail would devalue the view property. He indicated railing or other precautions would be expensive. Pam reminded the Council they discussed the trail and expressed a preference for the trail located on the top rather than up the easement. Darin Larson asked about the steepness of the trail. Karl Rasmussen pointed out the trail in Coral Canyon that goes to the top of the mesa at about the same grade and stated the developer's preferred alignment is shorter than the cliff side trail. Pam Humphries pointed out in many areas a lot with a trail in the back has the same value as a lot on a golf course. Kevin Tervort stated the City must look at the health, safety, and welfare and the drop off is a serious hazard. Pam Humphries motioned to approve the preliminary plat with all the JUC comments 1-6 and staff 1-7 with the understanding the Council has approved the trail going where the developers prefer and without a requirement for an archeological clearance and subject to the signing by all parties of the Grandpa's Pond Agreement. Karl Rasmussen stated they understand they will have to report if they find any burial sites and stop the project. Motion seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Pam Humphries all voting aye.

Presentation from BAM to Hurricane City Police Department for Canine Bullet Proof Vest-September

Smith explained because BAM (Because Animals Matter) is predominately a pet welfare agency they wanted to be sure the police dog was protected. She formally presented the bullet proof vest to Paige and her handler, Officer Jayson Despain. Mayor Bramall commented Paige has been awesome and a real asset to the community. She and Officer Despain represent six hundred and forty hours of training.

Discussion regarding net metering policy-Mike Olsen - Michael Olsen said he recently looked into a large solar array expecting about a 10 year pay back because excess power produced goes back into the power system and he is paid for the power. However, he called and found out the net metering policy had changed and rather than a unit for unit swap for excess energy, he would have to pay 8 cents and

get reimbursed 3 cents. This is a 64% reduction and makes it not cost effective for him to invest in renewable energy. He asked if there was a common ground that could be reached with the Power Department. The owner of Legend Solar owner commented that St. George City created the original power purchase agreement paying the wholesale price for net metering and came up with a capacity fee for solar customers to cover the infrastructure cost so when the rates go up the residents get the benefits of their investment. Dave Imlay explained Washington City has a Power Purchase Agreement for solar customers and charges 9-10 cents a KWH and credits 4 cents. Hurricane has 13 solar customers currently out of 5200 power customers. Mr. Olsen said his cost for 10.5 KW solar is approximately \$48,000 minus federal and state tax credits.

Pam Humphries asked Mr. Olsen to explain how the solar is a benefit to the City Power system. Mr. Olsen said he would be giving power back to the system. Dave Imlay explained summer time peak usage is at 5 p.m. but solar is creating power about 3 p.m. when the City does not need the power. He said net metering is part of a renewal portfolio standard required for power companies governed under the Public Utilities Commission but municipal power companies do not fall under their jurisdiction. He is working to get a proposal before the Power Board. Under the current system, other rate payers will have to subsidize solar users. Pam Humphries recommended the Council wait until UAMPS gets the recommendation from the Clean Coalition and passes it on to the Power Board. The current net metering customers would be grandfathered and new installations will be under the recommended new system.

Mayor Bramall asked if the power company can buy power at 2.5cents per kilowatt, why it should pay 8 cents per kilowatt hour to the solar power owners. The fact is Hurricane Power does not need the solar power. Mr. Olsen stated his goal is to produce everything he needs.

Dave Imlay stated it will take about three months to get the final net metering plan finalized. He recommends grandfathering the existing 13 net meter customers but insert a sunset clause in the agreement with the next 3 pending customers, moving them into the new plan. Mr. Olsen commented he did not know how he can sign an agreement for his investment if he does not know what the final plan will include.

Fay Reber pointed out this is a discussion item on tonight's agenda.

Dave Imlay said he understands Mr. Olsen's concern but the Clean Coalition, which is a pro-solar organization, has recognized the need for a change, stating, "I don't think the changes will be drastic." He explained the next Power Board meeting is scheduled for March 31st and they could recommend a moratorium or a policy.

Darin Larson commented until the City has something in place regarding net metering he is not sure the City can put three or four customers in limbo. Once it is changed then the new customers can be bound by the new agreement. He recommended the Council grandfather the three in process and then enact a net metering moratorium.

Ethelyn Humphries pointed out that eventually everyone that is grandfathered in will be under the sunset clause in the new policy for all net metering customers. Dave confirmed that is the recommendation now from UAMPS and the national experts but ultimately the Council has to decide if there will or will not be a sunset clause.

All agreed the three current applicants can proceed under current policy but a moratorium will be enacted.

Consideration and possible approval of request for grading permit plan exception at 2140 W State Street-Karl Rasmussen/First National bank of Layton – Mr. Rasmussen provided a grading plan for the First National Bank of Layton property ending up with a 2 or 3% slope. He confirmed his clients don't have a buyer. Pam Humphries said she has looked at Colina Tinta grading for the past several years and

nothing has happened. She pointed out the Wal-Mart property has been graded and it just grows tumbleweeds and has not sold. Grading of vacant property will just produce dust and tumbleweeds. Council members asked Mr. Rasmussen to explain why they should allow it to just be graded and asked that he provide a plan that ensures it will not just be a site for dust and weeds. Right now the site is fine in its natural state. Mr. Rasmussen explained the proposed slope. Mike Vercimak pointed out the dirt will impact the sidewalk and the street during storms and the bare site will cause storm water problems. A question on how to support the walls for property owners on the south of the property was raised. Darin Larson expressed sympathy for the bank trying to sell this property and asked if it was possible Mr. Rasmussen could come back with a restoration plan that is shown to be viable. Arthur LeBaron said there are several properties in the vicinity that have been graded and did not sell and asked why the bank would want to invest in grading. Karl Rasmussen suggested part of the mitigation requirement would be for the bank to hire a landscape company to police the property. He questioned whether dust can be controlled with a crust or a dust control product. A possible restoration bond was discussed. Kevin Tervort stated his opinion is that should not be excavated on State Street. Neighbors are not interested in having it cleared. Mr. Rasmussen will come back with a proposed restoration and maintenance plan.

Presentation on 2014 Year End Police Report-Chief Lynn Excell expressed appreciation for BAM and everything they do. He stated he will post the full report on the website. He summarized the report and stated everything increased except traffic accidents, including the average number of calls per day. He explained the time an officer takes to complete the follow up and paperwork on each incident. The report included charts showing the timing of calls by hour of day and month of the year and the 151 different kinds of calls including the top 20. He stated the number of calls reporting something suspicious shows a high level of trust for the police department. Crimes per thousand in population dropped from 21.03 to 14.06 in 2014. Chief Excell stated the Department does provide lockout service for citizens and has a prescription drug drop box. Trends they are include LSD use appearing in high schools, weapons coming in with drug traffic, and theft, including both theft from construction trailers and retail theft. However, the Police Department has an outstanding recovery rate on stolen property. He said there are special project days when officers focus on problem areas and illustrated the use of officer discretion in warnings and citation numbers compared to total traffic stops. Arrests are up. Training hours for the officers was outlined and the chief outlined the K-9 officer hours and community service projects. Mayor Bramall thanked Chief Excell for the report and told everyone the work of the department is one reason Hurricane has been named one of the safest cities in the nation in a recent *Popular Mechanics* article.

Discussion and possible decision regarding the hosting of the 2017 Ironman 70.3 World

Championship-Kevin Lewis – Mr. Lewis thanked the City for the years of cooperation on the Ironman Race and reported both the men's and women's champions from Kona will be at the Ironman race in May. He explained the World Championship 70.3 event will be moved around the world to different locations each year. This year it will be in Austria, then Australia, and the Ironman organization is considering St. George for 2017. St. George was on the short list but they are asking for two races – the World Championship race on Sunday and an open race on Saturday. The community commitment will be significant. The hosting fee is \$400,000 and they want the host to cover all the costs for police and fire. He asked for feedback on the concept of hosting. Darin Larson asked who would be involved and Mr. Lewis said St. George, Hurricane, and Washington as well as Sand Hollow State Park and Snow Canyon State Park. One concern is the human resources and finding volunteers. This race in early September is just before the St. George Marathon and then the Senior games. The event will be tapping

the residents for volunteering and road closures. Darin Thomas said he does not race on Sundays and believes there will be a significant drop in the number of volunteers for a Sunday race. Mr. Lewis stated Ironman is a well-known global brand and they charge to bring an event to an area. The current race is at about a \$200,000 cost which comes from the Tourism Board and the Utah Sports Commission as well as the City of St. George in in-kind donations. Mr. Lewis questioned whether adding this event would be pressing the pool of volunteers too much. The Council discussed the fact that the bike race runs down 700 West where 4 LDS chapels are located.

Darin Thomas pointed out Sand Hollow Reservoir, the swim venue, and 20 miles of the bike ride are held in Hurricane City but only St. George is mentioned in promotional materials. Mr. Lewis explained he works as the tourism office for Washington County and that would mean over 30 other places in the Country. They are trying to brand this area as a whole and not just individual cities. Darin Thomas it would be nice to see materials include "Sand Hollow Reservoir in Hurricane, Utah." Mr. Lewis stated it is a trick balance between promotion and sponsorship.

Darin Thomas said this world championship race is special because people must qualify and come from all over the world. He pointed out the racers would most likely be past the churches before most churchgoers arrive. A suggestion was made to delay church by an hour or two that day.

Council members agreed the County should continue to pursue hosting the race. Mr. Lewis said the City would have to cover all regular time employee costs, which is about \$5,000 to \$6,000. He said Ironman is not likely to reimburse for this event.

This even should bring about 5,000 athletes over the weekend. The number of hotel rooms is critical. Council members pointed out the availability of vacation rentals in Hurricane could be considered in that total. Chief Excell said it is an honor to be considered.

Kevin Lewis said the letters of support must be submitted by next week. He has talked to the State Park and they are 100% behind this bid.

Consideration and possible approval of a resolution appointing Ethelyn Humphries to the Washington County Solid Waste District Administrative Control Board – Darin Thomas motioned to approve the resolution appointing Ethelyn Humphries to the Washington County Solid Waste District Administrative Control Board, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Pam Humphries all voting aye.

Consideration and possible approval of a subdivision lot line adjustment for lots 72 and 71 in Dixie Springs plat G and abandoning the easement on the lot line– James Cheney applicant. Toni Foran explained Mr. Cheney was unable to attend the meeting tonight due to a conflict with another meeting in the Salt Lake area. He has requested the Council approve it without his presence. Joe Rhodes showed the lot on an aerial map and pointed out the wall on the proposed new lot line. Toni clarified Mr. Cheney owns both lots and had planned to have the lot line adjustment completed before the house on the second lot was built but it took longer to get the surveyed application materials from the engineer than expected. Mr. Cheney lives on one of the lots and wants to preserve his own view. Darin Thomas motioned to approve the subdivision lot line adjustment for lots 72 and 71 in Dixie Springs plat G and abandoning the easement on the lot line, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Pam Humphries all voting aye.

Mayor, Council and Staff reports

Pam Humphries: *Court, Water, Power, Hurricane Fire and Ambulance Department* – no report.

Darin Larson: *Planning Commission, Economic Development, Planning Department* – Darin said there was a discussion last week regarding a home bread and breakfast and this will be on the next agenda. It is regarding the Adams house which is in the Mobile Home/RV zone but is a stick built house. The Planning Commission asked the Council to decide if this is something they should further pursue in making changes to the ordinance.

Kevin Tervort: *Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement* – no report

Ethelyn Humphries: *Sewer District, Fire District, Solid Waste, Building Inspector* – no report

Darin Thomas: *Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification* –Darin verified dumpsters are organized for April and August community clean-up dates.

Mayor Bramall: *Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer* –The mayor said he has received multiple emails and letters about a new sign addition. He read a letter from Wes Christiansen on the subject which included a quote that “America is great because she is good and if she ever ceases to be good she will cease to be great” and a comment that the sign is a “sad way to overcompensate.”

Mayor Bramall announced Hurricane is being recognized as a Tree City USA and will get an award on April 7th in Santa Clara at a luncheon and workshop scheduled from noon until 2 p.m. Mayor Bramall and Kevin Tervort will attend.

Council members were invited to attend the City sponsored Easter Egg Hunt on Saturday April 4th.

Mayor Bramall read the Art Around the Corner Foundation invitation to the Council to the artist’s reception on March 27th.

He gave Mike Vercimak the transportation plan, maps, and comments from the Transportation Expo.

Pam Humphries motioned to close the meeting to discuss pending litigation. Kevin Tervort seconded. Meeting closed at 8:45 p.m.